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7590 04/22/2008 MCDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed 3/12/08 have been fully considered but they are not persuasive.
2. Regarding **claim 1**, Tsuk teaches a digital audio system, "wherein the *control device is provided with a manually operable input arrangement which is movable in two directions such that movement in a first direction causes the reproduction of a portion of the signals to be skipped and movement in a second direction causes the reproduction of a portion of the signals to be repeated*". Figure 9 of Tsuk clearly illustrates the two different directions, which are mentioned in paragraph 0069. Tsuk defines a data set as the sequential data found in a media file, or audio file (§ 0044), and teaches that a user can quickly traverse through a list of media items using the directional control (§ 0069). Tsuk interchangeably refers to lists of media items, lists of songs, position in a media file, and segments in an audio file in several sections of the disclosure (§ 0044, 0060, 0062, and 0069). Furthermore, Tsuk teaches the rotational input device has an associated acceleration factor, which determines which portion of a list is displayed next (§ 0058-0061). It is clear that Tsuk teaches that the next portion of a list is determined by the direction of rotation and the acceleration with respect to the direction, wherein the next portion with respect to this determination need not be the next sequential portion (i.e. the next portion to be displayed is a portion that has been calculated with respect to the rotational input device and it may be before or after the current portion by a certain number of units, or portions) (figure 1, § 0040-0043, and § 0059-0061). Tsuk clearly teaches skipping down (up), or ahead (behind), a number of portions, or segments with

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respect to a list (§ 0061), which with respect to determining which position in an audio file to present next, it is implicit that the determination of the next portion will cause a previous segment of audio or a subsequent segment of audio to be heard when the rotational input device is used to scroll from the current playing segment of audio (§ 0042, 0060, and 0062). Therefore, Tsuk teaches a control device movable in two directions, which will skip audio segments in one direction and cause repeated reproduction of audio segments in the other direction.

3. Claims 1-6 remain rejected under 35 USC 102(e) and claims 7 and 8 remain rejected under 35 USC 103(a).

/D.S./

/Sinh N Tran/

Supervisory Patent Examiner, Art Unit 2615